

2458 Ridge Road  
Queensbury, NY 12804

December 18, 2008

Hon. Gary L. Sharpe, Judge  
U.S. District Court  
James T. Foley Courthouse  
445 Broadway  
Albany, NY 12207-2936

Re: Schulz v. Federal Reserve System, et al.  
Case No. 08-cv-991 (Lead)  
Schulz v. U.S. Executive Dept, et al.  
Case No. 08-cv-1011 (Member)

Dear Judge Sharpe:

I am the Plaintiff in the matters referenced above. With respect, I need a clarification.

The Court's Orders of September 23 and September 26 were appealed to the Second Circuit on September 30. The case number at the Second Circuit is 08-4810-cv

By Order dated November 7, the Second Circuit issued its briefing schedule. My Brief has been filed. The Government's Brief is due by January 7.

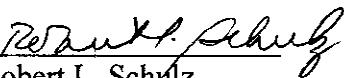
On November 24, Defendants' Attorney Charles Roberts filed and served a Motion to Dismiss with the District Court. According to the Docket Sheet, my response to the Motion is due by December 29, 2008, with a return date set for January 15.

My understanding of the Rules is the District Court lacks jurisdiction to entertain said Motion to Dismiss while the appeal from its September Orders is pending at the Second Circuit.

If my understanding of the Rules is incorrect, I will respond to the motion by December 29.

If my understanding of the Rules is correct, I request an order striking Defendants' Motion to Dismiss.

Sincerely,

  
Robert L. Schulz

Copy to: Charles E. Roberts  
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